

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 18-292
)	
ROBERT BOWERS)	

**MOTION TO EXTEND THE
TIME FOR FILING PRETRIAL MOTIONS**

Defendant, Robert Bowers, through undersigned counsel, respectfully requests that the pretrial motions deadline be continued for 120 days, or until March 25, 2023 – a date that both accommodates prior briefing schedules set by the Court and takes into account the need for the filing of additional pretrial motions. In support of this motion, counsel state as follows:

1. Pursuant to this Court’s prior order, pretrial motions are currently due on or before November 25, 2022. (Doc. 752).

2. Due to the nature of the prosecution, which includes the government’s Notice of Intent to Seek the Death Penalty (*see* Doc. 86), and the voluminous discovery, this Court has previously concluded that this case is “complex” within the meaning of the Speedy Trial Act, 18 U.S.C § 3161(h)(7)(B)(ii). (Docs. 52, 85, 108 and 225).

3. Counsel for Mr. Bowers have researched, drafted, and filed numerous pretrial motions and pleadings in this case. (*See* Docs. 60, 101, 102, 111, 152, 153, 154, 155, 156, 157, 158, 162, 163, 164, 231, 237, 239, 241, 244, 288-302, 333, 336, 338, 347, 375, 377-386, 402-405, 410, 427, 433, 435, 437, 438, 459, 461, 462, 467, 477, 478, 482, 488, 489, 498, 510, 515, 535-536, 540-542, 550, 552-553, 561, 571, 574, 588, 592, 595-

596, 606, 609, 614, 649, 650, 654, 669, 681, 682, 687, 691, 701, 725, 730, 732, 736, 738 and 739). Since the last time the pretrial motions deadline was extended on July 5, 2022, the defense has researched, drafted, and filed a number of additional motions and pleadings. (*See* Docs. 753-757, 759-761, 765, 767, 773, 779-780, 783, 787, 792, 796, 798, 800, 802, 807, 811, 816, 820, 822, 825-826, 830-832 and 838).

4. As set forth above, the defense has worked diligently and made good use of every continuance of the pretrial motions deadline previously granted by the Court.

5. As can be seen in the Joint Proposal Suggesting Deadlines and Start Dates for Case-Related Matters and Issues (Doc. 825) (“Joint Proposal Suggesting Deadlines”), much work remains in this case -- work that will extend beyond today’s current November 25, 2022, deadline. In addition, the Clerk of Court has not yet disclosed to the parties the updated jury data needed to adequately prepare and present Mr. Bowers’ potential jury challenges. Originally due to be disclosed on October 25, 2022 (Doc. 808), the matter remains outstanding and was most recently the subject of a November 16, 2022, Order of Court (Doc. 837). Since the disclosure date is uncertain, and Mr. Bowers’ motions are due within 45 days of receipt of the materials (Doc. 749), a further extension of the pretrial motions deadline is warranted and necessary.

6. Although the defense indicated at the October 6, 2022, status conference that it was not planning on seeking another extension of the pretrial motions deadline, matters set forth in the October 31, 2022 Joint Proposal Suggesting Deadlines, as well as the need for the not-yet-disclosed jury data, confirm that an additional extension is appropriate.

7. In light of the foregoing, counsel for Mr. Bowers request that the Court extend the deadline for filing pretrial motions for 120 days, from November 25, 2022, to March 25, 2023.

Respectfully submitted,

/s/ **Judy Clarke**

Judy Clarke

Clarke Johnston Thorp & Rice, PC

/s/ **Michael N. Burt**

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